

SCHEDULE 3 U.K.

Provisions relating to appeals in Scotland

PART 1 U.K.

Appeals procedure

1. A person (the “appellant”) who wishes to appeal under regulation 26(8) or 28(11) must—
 - (a) give the Scottish Ministers written notice of the appeal together with the relevant documents (together these are referred to as the “notice of appeal”), and
 - (a) at the same time, give SEPA a copy of the notice of appeal.
2. The relevant documents are—
 - (a) a written statement of the grounds of appeal;
 - (b) a copy of any relevant correspondence between the appellant and SEPA; and
 - (c) a copy of any enforcement notice which is the subject of the appeal.
3. The notice of appeal must be given in accordance with paragraph 31 before the expiry of the period of 28 days beginning with the day on which the enforcement notice was given.
4. The appellant may withdraw a notice of appeal by—
 - (a) giving the Scottish Ministers written notice stating that the appeal is withdrawn, and
 - (b) giving a copy of the written notice to SEPA.
5. The Scottish Ministers may, in a particular case, allow a notice of appeal to be given after the expiry of the period mentioned in paragraph 3.
6. SEPA must, within 14 days of receipt of the notice of appeal given in accordance with paragraph 1, give notice of it to any person SEPA considers it appropriate to notify.
7. Notice given under paragraph 6 must—
 - (a) describe the subject of the appeal;
 - (b) include a statement that representations about the appeal may be made to the Scottish Ministers in writing within a period of 21 days beginning with the date of the notice;
 - (c) explain that if a hearing is to be held wholly or partly in public (see Part 2), a person who makes representations about the appeal will be notified of the date of the hearing.
8. SEPA must, within 14 days of giving notice under paragraph 6, notify the Scottish Ministers of the persons to whom and the date on which the notice was given.
9. If an appeal is withdrawn, SEPA must give notice of the withdrawal to every person to whom notice was given under paragraph 6.
10. SEPA may make written representations about the appeal to the Scottish Ministers.
11. Any representations by SEPA must be given to the Scottish Ministers within the period of 28 days beginning with the day on which SEPA receives the copy of the notice of appeal.
12. The Scottish Ministers may, in a particular case, allow SEPA's representations to be given after the expiry of the period mentioned in paragraph 10.
13. SEPA must, at the same time as giving the representations to the Scottish Ministers, give a copy of the representations to the appellant.

Changes to legislation: There are currently no known outstanding effects for the The Control of Mercury (Enforcement) Regulations 2017, PART 1. (See end of Document for details)

14. The appellant may make further written representations relating to SEPA's representations within the period of 28 days beginning with the day on which the appellant receives a copy of SEPA's representations.

15. The Scottish Ministers may, in a particular case, allow the appellant's further representations to be given after the expiry of the period mentioned in paragraph 14.

16. The appellant must, at the same time as giving the further representations to the Scottish Ministers, give a copy of the representations to SEPA.

17. The Scottish Ministers must—

- (a) give to the appellant and SEPA a copy of any representations made to them by persons to whom notice was given under paragraph 6, and
- (b) allow the appellant and SEPA a period of 14 days beginning with the date on which the copy of the representations are given under paragraph (a) in which to make written representations on them.

18. The Scottish Ministers may require exchanges of written representations between the parties in addition to those mentioned in paragraphs 10 and 14.

Changes to legislation:

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